

ADMINISTRATIVE PANEL DECISION

Retrax Holdings, LLC v. Yan Zeziulin
Case No. D2025-0613

1. The Parties

The Complainant is Retrax Holdings, LLC, United States of America ("United States"), represented by Dobrusin Law Firm, PC, United States.

The Respondent is Yan Zeziulin, Ukraine.

2. The Domain Name and Registrar

The disputed domain name <myretrax.com> is registered with Hostinger Operations, UAB (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on February 14, 2025. On February 17, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 18, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (To be determined) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 18, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Respondent sent a communication on the same date requesting information on the proceedings. The Complainant filed an amendment Complaint on February 19, 2025.

The Center verified that the Complaint together with the amendment to the Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the "Policy" or "UDRP"), the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules"), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the "Supplemental Rules").

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on February 20, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 12, 2025.

The Parties communicated from February 28, 2025, to March 18, 2025 regarding a possible amicable settlement. However, no suspension request was received following the Center's email of possible settlement dated March 12, 2025.

The Respondent did not submit any formal response. The Center notified the Parties with the Commencement of Panel Appointment Process on March 20, 2025.

The Center appointed Andrew F. Christie as the sole panelist in this matter on March 25, 2025. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant is a limited liability company organized under the laws of Delaware, United States. It and RealTruck E-Commerce, LLC ("RealTruck E-Commerce"), of Ann Arbor, Michigan, United States, are under the common ownership of RealTruck, LLC. RealTruck E-Commerce operates the website at "www.realtruck.com" ("RT website"), which is an online retailer of automotive vehicle accessories, including aftermarket accessories for pick-up trucks and other trucks and vehicles. The Complainant is a manufacturer of certain aftermarket accessories for pick-up trucks and other trucks and vehicles, which it has continuously offered for sale under the trademark RETRAX. The Complainant's products are sold via authorized retail outlets, and also online via the RT website.

The Complainant is the owner of the United States Trademark No. 5081422 for the word trademark RETRAX, registered November 15, 2016, with first use in commerce being July 1, 1998.

The disputed domain name was registered on July 29, 2024. The Complainant provided screenshots taken on December 29, 2024, showing the disputed domain name resolved to a website containing the RETRAX trademark, images of RETRAX products, and links to an Amazon.com store page at which RETRAX products are offered for sale. The website also contains a note stating: "myretrax.com is a participant in the Amazon Services LLC Associates Program, an affiliate advertising program designed to provide a means for sites to earn advertising fees by advertising and linking to Amazon.com".

As at the date of this Decision, the disputed domain name resolves to what appears to be the same website as is captured in the Complainant's screenshots. However, a fine print disclaimer is displayed at the bottom of the page, "This website is not affiliated with Retrax, its parent company, or any of its subsidiaries. All trademarks, logos, and product images related to Retrax are the property of their respective owners. This site is for informational purposes only and does not claim any ownership of Retrax's intellectual property."

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

The Complainant contends that the disputed domain name is confusingly similar to a trademark in which it has rights on the following grounds. The Complainant's trademark RETRAX is the dominant portion of the disputed domain name.

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name on the following grounds, among others. The Complainant has not granted permission expressly or impliedly for the Respondent to use the RETRAX trademark. There is no license agreement from the

Complainant to the Respondent. There is no affiliation or other association of the Respondent with the Complainant. There is no evidence that the Respondent has any bona fide offering of goods or services under the RETRAX trademark or in connection with the disputed domain name that are unrelated to goods in respect of which the Complainant's trademark is registered. There is no evidence that the Respondent has acquired any trademark or service mark rights of its own. The website to which the disputed domain name resolves includes unauthorized use of content that originated from the Complainant. The Respondent's website links consumers to a third party selling site which leads consumers to believe that the Respondent is selling or has the authority to sell the Complainant's products using the Complainant's trademark.

The Complainant contends that the Respondent has registered and is using the disputed domain name in bad faith on the following grounds, among others. Other than to trade on the fame of the Complainant's RETRAX trademark, it is unknown why the Respondent sought to register and use the disputed domain name long after the Complainant acquired rights in the trademark. An inspection of the website resolving from the disputed domain name can only lead to the conclusion that the use of the disputed domain name is in bad faith and that its registration was made for one or more of the purposes specified in paragraph 4(b) of the Policy. The Respondent clearly had knowledge of the Complainant's rights, as the Complainant's mark is distinctive, the Respondent uses content on its website that originated from the Complainant, and the Respondent's website obviously targets the Complainant's trademark by stating that they are using the trademark to participate in the Amazon affiliate program. Without any pre-existing rights in the RETRAX trademark, it may be assumed that the Respondent adopted, registered and used the disputed domain name in bad faith because of the reputation and goodwill associated with the RETRAX trademark. The Amazon affiliate information on the Respondent's website shows that the Respondent must have known about the Complainant's products and its RETRAX trademark. The evidence shows that Respondent has registered and used the disputed domain name to divert consumers to its website, at least in an attempt to trade off the goodwill of the Complainant's RETRAX trademark.

B. Respondent

The Respondent did not formally reply to the Complainant's contentions.

However, a number of email communications were sent to the Complainant from an address using the disputed domain name. On February 28, 2025, an email was sent acknowledging receipt of the Notification of the Complaint, saying the sender was interested in resolving the dispute, and requesting the Complainant's contact details to discuss possible settlement options. On March 11 and March 18, 2025, emails were sent expressing willingness to transfer the disputed domain name and requesting time in which to prepare for the transfer.

6. Discussion and Findings

A. Opportunity for Respondent to Respond

Under paragraph 10 of the Rules, the Panel is required to ensure that the Parties are treated with equality and that each Party is given a fair opportunity to present its case, and also that the administrative proceeding takes place with due expedition. Since the Respondent's mailing address is stated to be in Ukraine, which is subject to an international conflict at the date of this Decision, it is appropriate for the Panel to consider the ability of the Respondent to respond to the Complaint and whether, in accordance with its discretion under paragraph 10 of the Rules, the proceeding should continue.

The Panel notes that the Respondent received the Notice of Registrant Information and the Notification of the Complaint, and in fact sent a number of communications regarding possible settlement of the dispute. While settlement did not occur, the Panel is satisfied that the Respondent had sufficient opportunity to respond to the Complaint. The Panel concludes that the Parties have been given a fair opportunity to present their case, and will proceed to render a Decision.

B. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. It is the owner of a trademark registration for the word trademark RETRAX.

The entirety of the Complainant's trademark is reproduced within the disputed domain name. Although the addition of other terms (here, "my") may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8. Accordingly, the disputed domain name is confusingly similar to the Complainant's trademark for the purposes of the Policy.

The Panel finds the first element of the Policy has been established.

C. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of "proving a negative", requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

The Panel considers that the composition of the disputed domain name, coupled with the use of the disputed domain name, carries a risk of implied affiliation with the Complainant. [WIPO Overview 3.0](#), section 2.5.1. The evidence establishes that the Respondent has used the disputed domain name to resolve to a website which, by reproducing the Complainant's trademark and product images, displaying links to another location offering for sale the Complainant's product, and not accurately disclosing the Respondent's lack of a relationship with the Complainant, falsely purports to be affiliated with the Complainant. Panels have held that the use of a domain name to imply a commercial affiliation that does not exist, can never confer rights or legitimate interests on a respondent.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

The Panel finds the second element of the Policy has been established.

D. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the Panel notes that: (i) the Respondent registered the disputed domain name many years after the Complainant first used and registered its RETRAX trademark; (ii) the disputed domain name incorporates the Complainant's trademark in its entirety, and merely adds the word "my"; and (iii) the Respondent has used the disputed domain name to resolve to a website that reproduces the Complainant's trademark and product images. It is clear the Respondent registered the disputed domain name with knowledge of the Complainant's trademark.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1. The evidence shows that the Respondent has used the disputed domain name in an intentional attempt to attract, for commercial gain, Internet users to a website by creating a likelihood of confusion with the Complainant's trademark. Having reviewed the record, the Panel finds that the Respondent's registration and use of the disputed domain names constitutes bad faith under the Policy.

The Panel further notes that a fine print disclaimer has been added on the website at the disputed domain name, possibly after the Respondent's notice of the current proceeding. In any event, under the overall circumstances of this case pointing to the Respondent's bad faith, the Panel finds that the mere existence of the disclaimer does not change the Panel's finding of bad faith.

The Panel finds that the Complainant has established the third element of the Policy.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <myretrax.com> be transferred to the Complainant.

/Andrew F. Christie/

Andrew F. Christie

Sole Panelist

Date: April 15, 2025